United Nations S/2008/350

Security Council

Distr.: General
30 May 2008

Original: English

Letter dated 29 May 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith a letter from Mr. Hoshyar Zebari, Minister for Foreign Affairs of the Republic of Iraq, addressed to the President of the Security Council, and with it a report submitted pursuant to paragraph 3 of Security Council resolution 1762 (2007) (see annex).

I have the further honour to request that the present letter and its annex be circulated as a document of the Security Council.

(*Signed*) Abdul Karim **Shwaikh**
Chargé d'affaires a.i.

08-36041 (E) 110608 130608

Annex to the letter dated 29 May 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the President of the Security Council

[Original: Arabic]

Republic of Iraq
Ministry of Foreign Affairs
Minister's Office

I wish to refer to paragraph 3 of Security Council resolution 1762 (2007), adopted on 29 June 2007, which "invited the Government of Iraq to report to the Security Council within one year on progress made in adhering to all applicable disarmament and non-proliferation treaties and related international agreements, notably the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons, an Additional Protocol to its Safeguards Agreement, and on progress made by the National Monitoring Directorate and the Government of Iraq with regard to dual-use controls and harmonizing Iraqi export legislation with international standards".

I should like to inform you and, through you, the international community, that the Government of Iraq, elected democratically and founded on the Constitution, has declared its support for the international non-proliferation regime and its adherence to all disarmament and non-proliferation treaties, pursuant to the commitments embodied in the Permanent Constitution, which states in article 9, paragraph (e), that "the Government of Iraq shall respect and implement Iraq's international obligations regarding the non-proliferation, non-development, non-production and non-utilization of nuclear, chemical and biological weapons, and shall prohibit associated equipment, materiel, technologies and delivery systems for use in the development, manufacture, production and utilization of such weapons".

With a view to fulfilling the requirements of the above-mentioned paragraph of the Security Council resolution, the Government of Iraq has taken a set of practical measures, both before and after the adoption of that resolution, as set forth in the attached report.

Being aware of the importance of the disarmament and non-proliferation regime in achieving international peace and security and furthering development, we should like to assure you that the Government of Iraq is striving to be a factor for and source of stability in the Middle East region in particular, and in the world as a whole, by overcoming the effects of the violations and other vestiges of the irresponsible policies of the previous regime and the resumption by Iraq of its natural, positive role within the international community.

Accept, Sir, the assurances of my highest consideration.

(*Signed*) Hoshyar **Zebari**
Minister for Foreign Affairs

Report of the Republic of Iraq on the fulfilment of its obligations under paragraph 3 of Security Council resolution 1762 (2007) of 29 June 2007

We refer to paragraph 3 of Security Council resolution 1762 (2007) of 29 June 2007, which "invited the Government of Iraq to report to the Security Council within one year on progress made in adhering to all applicable disarmament and non-proliferation treaties and related international agreements, notably the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons, an Additional Protocol to its Safeguards Agreement, and on progress made by the National Monitoring Directorate and the Government of Iraq with regard to dual-use controls and harmonizing Iraqi export legislation with international standards".

Desiring to comply with its obligations in order to implement the provisions of the abovementioned paragraph, the Government of Iraq has taken a set of practical measures to that end, both before and after the adoption of the resolution, as outlined below.

1. The relevant Iraqi agencies, including the Ministry of Foreign Affairs and the National Monitoring Directorate, have made arrangements to complete the requirements for joining the Organisation for the Prohibition of Chemical Weapons (OPCW), through the preparation of previous and present declarations by Iraq, implementation mechanisms and the requisite national legislation. On 30 July 2007 the Iraqi Council of Representatives (Parliament), as the legislative authority, approved a law on Iraq's accession to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons (Chemical Weapons Convention), and on 7 October 2007 the Presidential Council, as the executive authority, approved Iraq's accession to the Convention.

A number of workshops have been held jointly with OPCW to assist Iraq in fulfilling the requirements for accession and the submission of declarations. Those requirements were completed in 2007.

2. Since 2004, the relevant Iraqi agencies, including the Ministry of Foreign Affairs and the National Monitoring Directorate, have been making preparations for the signing of the model Additional Protocol to the Comprehensive Safeguards Agreement of the International Atomic Energy Agency (IAEA). The technical committee charged with studying the question has recommended that Iraq accede to the Additional Protocol. The State Consultative Council of the Ministry of Justice has drafted a law of accession with a view to transmitting it to Parliament for approval in accordance with the constitutional procedures in force.

3. Iraq signed the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (Biological Weapons Convention) on 11 May 1972, and the instrument of ratification was deposited on 19 June 1991. We should like to reaffirm that Iraq is fully committed to the complete implementation of the Convention and the fulfilment of all its requirements. This is illustrated by its designation of the National Monitoring Directorate as a national focal point to follow up implementation of the Convention. The Directorate annually undertakes confidence-building measures and submits information in that regard to the Implementation Support Unit within the United Nations Office for Disarmament Affairs in Geneva,

in accordance with the decisions taken at the Sixth Review Conference of the States Parties to the Biological Weapons Convention in 2006. At that conference, States parties were requested to provide the Implementation Support Unit with information on the confidence-building measures undertaken by their national authorities so that the Unit might fulfil its mandate in respect of the comprehensive implementation and universalization of the Convention.

4. The National Monitoring Directorate, in coordination with the Ministry of Foreign Affairs, is now responsible for establishing the mechanisms required for the control of the dual-use substances listed in Security Council resolution 1051 (1996), after the termination of the mandate of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the closure of its offices. The National Monitoring Directorate has established new mechanisms and set forth updated lists based on the lists of the European Union. We hope to be able to implement this mechanism immediately upon the promulgation of the laws on non-proliferation and on the National Monitoring Directorate, and the instructions supplementary to those laws.

5. The National Monitoring Directorate, in coordination with the Ministry of Foreign Affairs, is making preparations for Iraq's accession to the Comprehensive Nuclear-Test-Ban Treaty and the Convention on the Physical Protection of Nuclear Material, in addition to preparing appropriate mechanisms for dealing with the illicit trade in nuclear material. The technical and legal committee formed to study the matter has recommended that Iraq accede to both instruments. Under the Constitution, the law of accession must be drawn up and then submitted to Parliament for approval.

6. The National Monitoring Directorate has prepared legislation entitled "Act on Non-Proliferation in the Republic of Iraq". The purpose of the act is to establish a permanent unified national system that would enable Iraq to fulfil its obligations under the international instruments on the non-proliferation of chemical, biological and nuclear weapons and of systems for their delivery, and to apply that system to all peaceful activities, including those related to materials, equipment and technology, as well as related production, possession, use, storage, import, export, transport, transfer, disposal, circulation or any other activity, in a manner that ensures that they are not diverted for illegal purposes and does not hamper their use for peaceful purposes. The act also defines legal and illegal activities, specifies penalties and sets forth mechanisms for submitting declarations, issuing permits and tracing dual-use substances, in accordance with the Safeguards Agreement prescribed by the Treaty on the Non-Proliferation of Nuclear Weapons, the verification regime of the Chemical Weapons Convention, the Biological Weapons Convention and any future regional and bilateral agreements.

It is worth noting that this legislation was reviewed jointly with OPCW and IAEA in the light of the requirements for the implementation of the relevant international instruments. This act has been referred to the State Consultative Council of the Ministry of Justice for final drafting. It will then be submitted to Parliament for reading and approval, as required by the Constitution.

7. A draft act has been prepared on the establishment of the Iraqi National Monitoring Directorate as an independent national entity responsible for the implementation of the technical obligations set forth in international, regional and bilateral instruments on the non-proliferation of chemical, biological and nuclear

weapons and of systems for their delivery. This would ensure that Iraqi territory is not used for any illicit activities, and provide for special arrangements for the control of dual-use substances, equipment and technologies found on international control lists in a manner that does not hamper their use for peaceful purposes. The act was reviewed jointly with OPWC and IAEA in keeping with Iraq's international obligations, and with a view to training specialized scientific and regulatory personnel to implement those obligations and to establish mechanisms to facilitate the peaceful use of the facilities included in the act. Those organizations have emphasized that the monitoring body must be an independent entity that is linked to the supreme executive authority in order to ensure that its authority to monitor, investigate and inspect in any region or governorate of Iraq is not hindered.

In accordance with the Constitution, the act has been referred to the State Consultative Council of the Ministry of Justice for final drafting. It will then be submitted to Parliament for reading and approval.

8. The National Monitoring Directorate has prepared special instructions on the implementation of the Non-Proliferation Act. They include a number of arrangements and measures to facilitate implementation of the act in relation to inspections regimes; the submission of declarations; the granting of permits for the usage, import and export of dual-use substances and equipment; the protection of information; and the protection of chemical, biological and nuclear material, equipment and facilities, in accordance with the relevant non-proliferation instruments. These instructions will be reviewed jointly with OPWC and IAEA, and their feedback and assistance will be sought. Subsequently, the act will be referred, in accordance with the Constitution, to the State Consultative Council of the Ministry of Justice for final drafting. It will then be submitted to Parliament for reading and approval.

9. Parliament has approved Iraq's accession to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction. The instrument of accession was deposited with the Secretary-General of the United Nations and the Convention entered into force for Iraq on 1 February 2008.

Moreover, the relevant Iraqi authorities, including the Human Rights Committee, are considering accession by Iraq to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects.

10. Iraq believes in the necessity and importance of making the Middle East a region free from weapons of mass destruction, particularly nuclear weapons, and its efforts in the United Nations, IAEA, the League of Arab States and other relevant international forums are aimed at achieving that goal. Iraq calls on all States to accede to the international instruments on the non-proliferation of weapons of mass destruction and to comply with the requirements of those instruments.